



## **CITY of LA PINE CITY COUNCIL AGENDA**

Wednesday, April 12, 2017

**6:00 p.m. Regular Session**

La Pine City Hall

16345 Sixth Street, La Pine, Oregon 97739

### **A. Regular Session – 5:30 p.m.**

1. Call to Order
2. Establish Quorum
3. Pledge of Allegiance
4. Added Agenda Items

Any matters added to the Agenda at this time will be discussed during the “Other Matters” portion of this Agenda or such other time selected by the City Council.

### 5. Consent Agenda

Information concerning the matters listed within the Consent Agenda has been distributed to each member of the City Council for reading and study, is considered to be routine, and will be enacted or approved by one motion of the City Council without separate discussion. If separate discussion is desired concerning a particular matter listed within the Consent Agenda, that matter may be removed from the Consent Agenda and placed on the regular agenda by request of any member of the City Council.

- a. Approval of Minutes
  - i. March 8, 2017
  - ii. March 15, 2017
  - iii. March 22, 2017
- b. Reimbursements
  - i. Approval of Council and Staff Reimbursements
- c. Financial Reports
  - i. Approval of Financial Reports

6. Public Comments
7. Presentation by Housing Works on Annual Housing Indicators and Upcoming Projects
8. Presentation by Szabo Landscape Architecture on La Pine City Hall Monument Sign Proposal

9. Hearing and Adoption of Ordinance 2017-01, an ordinance amending Ordinance No. 2012-05, as amended by Ordinance No. 2015-03, to allow marijuana dispensaries (medical and recreational) in the commercial (C) zone, mixed use commercial (CMX) zone, and to exclude marijuana dispensaries from the transition areas (TA).
  - a. Open Public Hearing
  - b. Staff Comments
  - c. Public Comments
  - d. Close Public Hearing
  - e. Council Deliberations
10. Hearing and Council direction to staff to draft ordinance for right-of-way vacation of the western edge of the previous cul-de-sac adjacent to 16673 Apache Tears Court.
  - a. Open Public Hearing
  - b. Staff Comments
  - c. Public Comments
  - d. Close Public Hearing
  - e. Council Deliberations
11. Approval of Professional Services Agreement with Three Rivers Mosquito and Vector Control
12. Approval of Professional Services Agreement with Little River Design
13. Approval of Professional Services Agreement with Bryant, Lovlien, and Jarvis Attorneys
14. Other Matters: Only those matters properly added to this Agenda under line item No. 4
15. Public Comments
16. Staff Comments
17. Council and Mayor's Comments
18. Adjourn

Pursuant to ORS 192.640, this notice includes a list of the principal subjects anticipated to be considered or discussed at the above-referenced meeting. This notice does not limit the ability of the City Council to consider or discuss additional subjects. This meeting is subject to cancellation without notice. The regular meeting is open to the public and interested citizens are invited to attend. The public will not be permitted to attend the executive session; provided, however, representatives of the news media and designated staff will be allowed to attend the executive session. Representatives of the news media are specifically directed not to report on any of the deliberations during the executive session, except to state the general subject of the executive session as previously announced. No decision will be made in the executive session. The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Ashley Williams (541-536-1432). For deaf, hearing impaired, or speech disabled dial 541-536-1432 for TTY

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**6:00 p.m. Regular Session**

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**A. Regular Session – 5:30 p.m.**

1. Call to Order

Mayor Scott called the meeting to order at 6:00 pm.

2. Establish Quorum

Mayor Dennis Scott

Councilor Stu Martinez

Councilor Don Greiner

Councilor Karen Ward

Councilor Connie Briese

City Manager Cory Misley

Public Works Manager Jake Obrist

Accounting Clerk Ashley Williams

**Quorum Established**

3. Pledge of Allegiance

Gary Gordon, La Pine Parks and Rec District Chairman, led the Pledge of Allegiance.

4. Added Agenda Items

Any matters added to the Agenda at this time will be discussed during the “Other Matters” portion of this Agenda or such other time selected by the City Council.

5. Consent Agenda

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a. Approval of Minutes

i. March 8, 2017

ii. March 15, 2017

iii. March 22, 2017

b. Reimbursements

i. Approval of Council and Staff Reimbursements

c. Financial Reports

i. Approval of Financial Reports

There was a correction to the March 22, 2017 minutes. The incorrect minutes stated that Councilor Martinez wanted all 3 landscape architects that bid on the monument sign project to give presentations to the Council. Councilor Martinez only wanted to see presentations from the lowest two bidders.

**A motion was made by Councilor Briese and seconded by Councilor Greiner to approve the consent agenda with the above noted correction.**

***Vote as follows:***                      ***AYE***                      ***NAY***

***Councilor Martinez***                      ***X***

***Councilor Ward***                      ***X***

***Councilor Greiner***                      ***X***

***Councilor Briese***                      ***X***

**Motion passed unanimously.**

6. Public Comments

None.

7. Presentation by Housing Works on Annual Housing Indicators and Upcoming Projects

Tom Kemper, Executive Director of Housing Works and their Board President, Michael Hinton, attended the meeting and gave a presentation. Tom gave a brief history of the organization, and the organizations mission. He discussed how the organization board was made up and the many facets that the organization handles including federal housing vouchers, property management and real estate development. Since they are a developer, the organization is always looking for creative ideas that can help the communities that they serve and the greater community, Central Oregon.

They discussed their property management company, Epic Property Management. Tom said that they began to notice that the property management companies that they were hiring were not providing the levels of service that they expected. As a result Housing Works created their own management company which has proven to be very successful. They just hired a new property manager, and have been pleased with the work that he is doing.

Tom went over demographics for the La Pine area and the need for affordable housing in this area. Only 38% of people are living without a rent paying burden in the La Pine area. He gave statistics on the median income, housing vouchers, demographics for those vouchers and other La Pine specific demographics regarding housing. Housing Works funds \$33,892 of housing in La Pine each month.

Tom described the housing project currently underway in La Pine. He said that Deschutes County deeded the land to the Housing Works for a 42 unit complex located near the Senior Center and Little Deschutes Lodge. He clarified that this is an affordable housing project, not a senior affordable housing project. He said that there will be 1 and 2 bedroom units, and that Housing Works will start taking applications about 3 months before the project is complete. He said that the applications will likely be approved using a lottery system since there will be a lot of applications. He said ground breaking on the project will not begin until at least the fall, and likely will not start until next year. Once ground breaking has happened it will take about 8 months to complete the project.

Stu asked about the prior property management companies. Tom told a few stories about the prior companies. Dennis wanted to know about ADA units. Tom said that all units are convertible to ADA compliant, and that some will be built already compliant. Dennis also asked if the rent was sliding scale, Tom said that it was not. Connie asked who provided the building maintenance, he said that it was contracted out. Don asked about where the storage for the units was. He said that each unit has its own small storage unit.

8. Presentation by Szabo Landscape Architecture on La Pine City Hall Monument Sign Proposal

Cory said that the funds have been earmarked for this project and that the project has been heavily discussed. He said that staff solicited proposals and that the council asked that two of the proposers come down and this is one of them.

Brian Nierman from Szabo said that he felt like this project was going to be a catalyst for the newer designs in La Pine. He gave a presentation. He said that the graphics that they provide are very good and give you a visualization of what the project would like. He showed some of the work that they had done in Sunriver. He said that he and his partner have about 15 years of landscape design and they would be happy to serve the council. Stu said this project has taken a long time and wanted to know what services would be provided. He said they would do the site plan, public outreach and contract out for construction. He said that they would have meetings with staff and public, he would come up with a couple concepts that are solicited from the outreach, and then revise if needed. Don wanted to know if he had already thought of some place to start. He said that he thought it would be simple, but elegant. Karen said that she really likes the project. Connie asked what percentage of their contracts go over budget. He said that contracts usually go over when things drastically change, but this is very uncommon. He said they strive to eliminate the need for going over budget. Connie asked what sets their company apart from others. He said they have a lot of project experience, have worked all over the west side of the US, worked with different styles and lots of different materials. He also noted the companies ease of constructability and ease of communication. Dennis asked if the City owns the design once it is complete because the City may want to use it in other locations throughout town. Brian said that it would be difficult if the City tried to sell the design, but other than that the design is the cities.

9. Hearing and Adoption of Ordinance 2017-01, an ordinance amending Ordinance No. 2012-05, as amended by Ordinance No. 2015-03, to allow marijuana dispensaries (medical and recreational) in the commercial (C) zone, mixed use commercial (CMX) zone, and to exclude marijuana dispensaries from the transition areas (TA).

a. Open Public Hearing

Mayor Scott opened the public hearing.

b. Staff Comments

Tammy Wisco, City Planner, presented the staff report and gave a presentation. Tammy said that the title is strange because all of the amendments to the zoning ordinance are stand alone. She presented the time line that took place with this ordinance since the vote in November. She said that this ordinance essentially changes medical marijuana dispensaries to all dispensaries, both medical and recreational. She said that this ordinance also exempts dispensaries from the transitional areas. She said that dispensaries are now allowed in Mixed Use Commercial and the Commercial Zones. She spoke about some areas that need additional criteria for dispensaries. She went through the noticing and criteria addressed in the amendment. She said that the Planning Commission unanimously approved this change. She said that many parts of the comp plan and state goals do not really apply, but went through the goals that did apply. She said that there were no written comments received. The recommendation from staff is that the council adopts the amendments.

c. Public Comments

Jill Toepher, local business owner, asked if once this was approved if it would be effective immediately. Tammy said that we adopted this with an emergency clause, but there is still a 21 day appeal period from LUBA (Land Use Board of Appeals). Once that 21 day window is complete the City will be able to receive and sign off on the LUCS (Land Use Compatibility Statement) forms for these businesses.

d. Close Public Hearing

Mayor Scott closed the public hearing.

e. Council Deliberations

Connie wanted to confirm the Mixed Use Commercial Zones are approved for Recreational Sales. Tammy said that was true. Stu wanted to note that he was disappointed in how long it has taken to get these done, and Dennis mirrored those comments.

**A motion was made by Councilor Greiner and seconded by Councilor Martinez to approve Ordinance 2017-01, an ordinance amending Ordinance No. 2012-05, as amended by Ordinance No. 2015-03, to allow marijuana dispensaries (medical and recreational) in the commercial (C) zone, mixed use commercial (CMX) zone, and to exclude marijuana dispensaries from the transition areas (TA).**

***Roll Call vote as follows:***

***AYE***

***NAY***

***Councilor Martinez***

***X***

***Councilor Ward***

***X***

***Councilor Greiner***

***X***

***Councilor Briese***

***X***

**10. Hearing and Council direction to staff to draft ordinance for right-of-way vacation of the western edge of the previous cul-de-sac adjacent to 16673 Apache Tears Court.**

**a. Open Public Hearing**

Mayor Scott opened the public hearing

**b. Staff Comments**

Tammy Wisco presented the staff report and had a presentation. Tammy said that the cul-de-sac was used prior, but when the subdivision was expanded it became useless since the road became a through road. She went over the requirements for vacating right of way. She said that there are no comments and that the utilities have confirmed that they approve of the vacation. She said that this has to go to 2 meetings. This is the hearing, being the first and then it will be in the form of an Ordinance at the next. She said that usually there is a monetary exchange for a vacation. In this case there is more public value in the sidewalk that is being constructed by the applicant, so there was no monetary exchange. Cory thanked the applicant for their time and patience through the process.

**c. Public Comments**

Bill Chaney owner of 16673 Apache Tears Court said that he has concerns because people are using the cul-de-sac for oversized parking. He thinks that it will be much better to do it this way.

**d. Close Public Hearing**

Mayor Scott closed the Public Hearing.

**e. Council Deliberations**

There were no council deliberations.

**A motion was made by Councilor Briese and seconded by Councilor Greiner to approve the Right-of-Way vacation on Apache Tears Court.**

***Vote as follows:***

***AYE***

***NAY***

***Councilor Martinez***

***X***

***Councilor Ward***

***X***

***Councilor Greiner***

***X***

***Councilor Briese***

***X***

**Motion passed unanimously.**

11. Approval of Professional Services Agreement with Three Rivers Mosquito and Vector Control

Jake and Cory said that they put the mosquito spraying out for RFP and that Three Rivers was the only company that bid on it. They are the same company that has done it in prior years.

**A motion was made by Councilor Greiner and seconded by Councilor Briese to approve the contract for mosquito spraying with Three Rivers Mosquito and Vector Control.**

*Vote as follows:*                      *AYE*                      *NAY*

<i>Councilor Martinez</i>	<i>X</i>
<i>Councilor Ward</i>	<i>X</i>
<i>Councilor Greiner</i>	<i>X</i>
<i>Councilor Briese</i>	<i>X</i>

**Motion passed unanimously.**

12. Approval of Professional Services Agreement with Little River Design

Jake said that this company will be the new landscape maintenance provider. He said that he is happy with the work that they are doing and that they have been easy to work with. Don had a question about Bi-mart frontage. Jake said that this is part of the contract. Connie was concerned that they had started work without an approved contract. Jake said that they started some maintenance at City Hall. Dennis said that he appreciates that the staff is bring forth all contracts for the City Council's review.

**A motion was made by Councilor Greiner and seconded by Councilor Martinez to approve the contract for landscape maintenance services with Little River Design.**

*Vote as follows:*                      *AYE*                      *NAY*

<i>Councilor Martinez</i>	<i>X</i>
<i>Councilor Ward</i>	<i>X</i>
<i>Councilor Greiner</i>	<i>X</i>
<i>Councilor Briese</i>	<i>X</i>

**Motion passed unanimously.**

13. Approval of Professional Services Agreement with Bryant, Lovlien, and Jarvis Attorneys

Cory said that the legal contract had expired. There were no issues with the contracts, with the exception of their expiration. Bryant, Lovlien and Jarvis has increased their rate with other cities and as a part of this contract renewal they will be increasing their rate with the City of La Pine. Cory said that is the only change in the document from the prior version. The contract is not effective until July 1, 2017. DG, CB, unanimous.

<i>Vote as follows:</i>	<i>AYE</i>	<i>NAY</i>
<i>Councilor Martinez</i>	<i>X</i>	
<i>Councilor Ward</i>	<i>X</i>	
<i>Councilor Greiner</i>	<i>X</i>	
<i>Councilor Briese</i>	<i>X</i>	

Stu said that SLED is in the process of looking for a new manager, and that the current manager will stay on until May 15<sup>th</sup>. He said that he went to the Chamber Banquet and reminded the rest of the Council that the Parks and Rec spring dinner is on the 21<sup>st</sup>. Don said that he really likes the stop light. Karen said she is glad that we have gotten the marijuana issues resolved with the dispensaries. She is excited about the Housing Works project, but is worried about what will happen with the snow removal. She said it was a good meeting, there was a lot packed into it and she is glad that we got through it. Connie mirrored Karen's comments about the meeting. Connie said that she went to the COIC meeting and they are working on pushing through a house bill to give local jurisdictions control of transit. The legislature wanted to make sure that there was enough accountability with this type of action. The jurisdiction would encompass the tri-county area, and each local jurisdiction would create their own board when they were ready to take on transit in their area. Dennis said that he has been to a number of meetings where they are mainly discussing the state budget. He said that there was an open house at the Finley Butte ball fields and that there is now green grass on all 3 fields, the community building has been remodeled and there is a tournament scheduled. He said that he went and looked at the landscaping at the Fire District building and it is nice. The District connected to their well for irrigating that area to help reduce the costs of the water bill.



18. Adjourn

**A motion was made by Councilor Ward and seconded by Councilor Martinez to adjourn the meeting.**

*Vote as follows:*

*AYE*

*NAY*

*Councilor Martinez*

*X*

*Councilor Ward*

*X*

*Councilor Greiner*

*X*

*Councilor Bries*

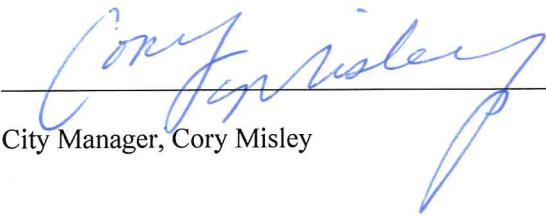
*X*

**Motion passed unanimously.**



Mayor, Dennis Scott

Attest



City Manager, Cory Misley